

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JASON D. COOPER,

Plaintiff,

v.

ORDER
12-CV-1227

SUPERINTENDENT MICHAEL SHEAHAN et al.,

Defendants.

1. On May 23, 2013, Plaintiff commenced this civil rights action against Defendants under 42 U.S.C. § 1983.¹ (Docket No. 10.) On November 4, 2013, this Court referred all dispositive motions to Magistrate Judge Hugh B. Scott pursuant to 28 U.S.C. § 636(b)(1)(B) and (C). (Docket No. 22.) On January 13, 2020, Defendants filed a Motion for Summary Judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure. (Docket No. 53.)

2. On April 8, 2020, Judge Scott filed a Report and Recommendation, in which he recommends that Defendants' Motion for Summary Judgment be denied in its entirety. (Docket No. 101.) No objections have been filed to Judge Scott's Report and Recommendation.

3. This Court has carefully reviewed the Report and Recommendation, as well as the pleadings and materials submitted by the parties, and will accept Judge Scott's recommendation in its entirety.

¹ The date on which Plaintiff commenced this action is disputed by the parties. This Court adopts Judge Scott's resolution of this question and finds that Plaintiff commenced this action on May 23, 2013.

IT HEREBY IS ORDERED, that this Court accepts Judge Scott's Report and Recommendation (Docket No. 101) in its entirety, including the authorities cited and the reasons given therein.

FURTHER, that Defendants' Motion for Summary Judgment (Docket No. 93) is DENIED.

FURTHER, that the parties are directed to engage in mediation by January 8, 2021.

FURTHER, that the parties shall appear at a status conference on this case on Wednesday, January 13, 2021, at 10:00 AM, to be held remotely by Zoom for Government videoconference. Access instructions will be sent to counsel in advance.

SO ORDERED.

Dated: November 3, 2020
Buffalo, New York

s/William M. Skretny
WILLIAM M. SKRETNY
United States District Judge